

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Patent Application**

**Inventors:** Christopher Charles McCormick et al.

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**Examiner:** P. Kathryn Wright

**Docket No.:** 570-001US

**Title:** A Data Processing System For Providing An Efficient Market For Specialty Chemicals

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**APPEAL BRIEF UNDER 37 CFR 41.67**

Pursuant to 37 CFR 41.67, this brief is filed in support of the appeal in this application.

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**(1) *Real Party in Interest***

Application 09/668,688, which is the subject of this Appeal, has been assigned to DeMont & Breyer, LLC.

**(2) *Related Appeals and Interferences***

There are no other appeals or interferences that will directly affect, be directly affected by or otherwise have a bearing on the Board's decision in this Appeal.

**(3) *Status of the Claims***

Claims 20, 22-32, 34-40 are pending and each of those pending claims stand rejected. All of the rejected claims are being appealed.

It is notable that *substantive* arguments for patentability are presented for all pending independent claims (claims 20, 31, and 37) as well as some of the dependent claims (claims 25, 35, and 38). The patentability of dependent claims 22-24, 26-30, 32, 34, 36, and 39-40 will not be separately argued except to note that they are allowable based on their dependency on an allowable base claim.

**(4) *Status of Amendments***

No Amendments have been filed subsequent to the final rejection of the claims.

**(5) Summary of the Claimed Subject Matter**

The claimed subject matter pertains to a method that facilitates the sale of *specialty chemicals* via a data processing system.

**Background**

The chemical industry traditionally segregates the chemicals market into (1) bulk chemicals and (2) specialty chemicals.

Bulk chemicals are manufactured via continuous processes. The processing operations are monitored and adjusted in real time to produce products that routinely meet targeted chemical and physical characteristics. In contrast, specialty chemicals are usually produced in discrete batches. Batch production is generally not amenable to real-time monitoring or adjustment. As a consequence, deviations from targeted chemical and physical characteristics regularly occur. These deviations are evaluated using a "standard" and a "specification" that are established for each specialty chemical.

The "standard," which is traditionally established by the supplier/manufacturer (hereinafter "supplier"), is a set of chemical and physical characteristics that are used to describe a specialty chemical. The standard for any given specialty chemical can include over one hundred different chemical and physical characteristics or properties. The "specification," which is also traditionally established by the supplier, establishes a nominal range for the allowable variation for each chemical and physical characteristic that is listed in the standard. Using the specification and the standard, a specialty chemical is readily designated as "off-spec" or "on-spec."

Due in part to the aforementioned distinctions, sales transactions involving specialty chemicals present certain challenges to a buyer and to a seller that do not arise when dealing with bulk chemicals. In particular:

1. *How does a purchaser and user of specialty chemicals deal with the characteristic batch-to-batch variations?*

A user of specialty chemicals will produce a product that is routinely dependent upon the quality or characteristics of the specialty chemical that is used to make the product. But as indicated above, those characteristics can vary widely from one batch to the next, even between batches sourced from the same supplier. It is, therefore, problematic for the specialty-chemical purchaser to guarantee the quality of the product it produces from such specialty chemicals.

2. *How does a purchaser of specialty chemicals directly compare offerings from different suppliers or establish multiple sources of supply?*

Purchasers of specialty chemicals will usually prefer to have multiple sources from which to buy their specialty chemicals for a variety of reasons (e.g., pricing, availability, etc.). But since the supplier sets the standard and specification for each specialty chemical it sells, and since these standards and specifications routinely vary from supplier to supplier, it can be quite difficult to compare product offerings from different suppliers.

3. *How does a supplier of specialty chemicals promote the sale of excess inventory of a specialty chemical?*

A supplier might be willing to price any excess inventory of specialty chemicals below its normal selling price. But it risks a loss of customer goodwill if a full-fare purchaser learns of a discounted sale for the same specialty chemical.

One way to avoid this complication is to sell the excess inventory as an “unbranded” chemical. In other words, the specialty chemical is not identified as being manufactured by the supplier nor is it sold under its trademark. But to what standard and specification does the supplier reference this specialty chemical? If the standard and the specification that are normally associated with the specialty chemical are used for the non-branded material, the supplier risks identification by an astute purchaser.

#### Applicants’ Claimed Invention

These issues and other issues are effectively addressed via several features of applicant’s claimed method for the sale of specialty chemicals.

First, the claimed method incorporates a *uniform standard*, which is established for each specialty chemical that is being offered for sale via a data processing system. The term “uniform standard” is defined in the specification at p. 10, lines 12-14, to mean “a supplier-independent set of chemical characteristics or physical characteristics or both that are used to describe a chemical.” (Emphasis added.) In some embodiments, the uniform standard is promulgated by the entity that runs that data processing system. In any case, the supplier does not establish the uniform standard.

Furthermore, a *requirement* is established by a prospective purchaser of a specialty chemical. The term “requirement” is defined in the specification at p. 11, line 27 – p. 12, line 1, to mean, “for a specialty chemical of interest, allowed ranges (from a prospective



purchaser's point of view) for the measured values of the various chemical and physical characteristics that make up the uniform standard." This *requirement* is analogous to the prior-art "specification," except that it is the prospective purchaser (typically), rather than the supplier, who defines the *requirement*. (Spec. at p. 13, line 26 – p. 15, line 11.)

The prospective purchaser then uses the *requirement* as a tool for evaluating various batches of specialty chemicals. But this is practical only if all batches under consideration are characterized by the *uniform standard*, as per the claimed invention. In this manner, the present invention benefits a prospective purchaser by facilitating a direct comparison of offerings from different suppliers, addressing issue 2, above. A prospective purchaser has not been able to do this before appellant's invention.

In accordance with the claimed method, a sample of *each* batch of specialty chemical that is available for purchase through the data processing system is analyzed by an independent testing facility. Analysis proceeds in accordance with the *uniform standard* established for the chemical.

The test results are input into the data processing system and, in some embodiments, are organized into an inventory database.

So, a prospective purchaser patronizing the data processing system establishes the *requirement* for the specialty chemical that it wishes to purchase. Again, the *requirement* defines the allowed variation in one or more of the properties/characteristics that compose the *uniform standard* for that chemical. After the prospective purchaser enters the *requirement* into the data processing system, the data processing system searches the inventory database in an attempt to identify batches of the specialty chemical for sale that satisfy the purchaser's *requirement*. Batches that satisfy the *requirement* are reported to the prospective purchaser. The prospective purchaser can then purchase these batches through the data processing system.

A significant difference between the claimed invention and the prior art is that in accordance with the claimed invention, only existing batches of specialty chemical are offered for sale through the data processing system. The "matching" task performed by the data processing system is between the prospective purchaser's *requirement* and analyses of actual batches of specialty chemicals that are available for sale through the system.

As a consequence, if a match is found, the prospective purchaser will be buying the specific batch that corresponds to the analyses. Since the analyses correspond to an actual batch,

the purchaser knows exactly what it is buying. And, each batch purchased in this manner will satisfy the *requirement*. This approach effectively addresses the problem of batch-to-batch variation (issue no. 1).

In some embodiments, the batches that match the prospective purchaser's *requirement* are reported to the prospective purchaser via an indicium that does not identify the supplier of the batch. Since the supplier is not identified by the data processing system as being associated with the particular batch of specialty chemical, and in the absence of a supplier-established standard and specification by which a clever purchaser could deduce the supplier's identity, the supplier is free to price the specialty chemical as it wishes. This addresses issue no. 3, above.

The independent claims on appeal (claims 20, 31, and 37) are now presented and mapped to the specification by page and line number and to the drawings, as applicable.

Independent claim 20 recites a method comprising:

<p>receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;</p> <p>comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase from at least two different suppliers through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance with a uniform standard that is established for said first chemical, and further wherein each batch that is available for purchase is analyzed by said testing facility; and</p> <p>outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser.</p>
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The claimed subject matter is depicted as method (500) in FIG. 5. The claimed operations of "receiving...;" "comparing...;" and "outputting..." are briefly described at pg. 11, line 23 through pg. 12, line 8. The claimed operations are described in additional detail as follows:

- "receiving a requirement" at p. 13, line 22 - p. 15, line 4 and p. 15, line 20 - p. 16, line 4.
- "comparing ... said requirement" at p. 12, line 10 - p. 13, line 21 and p. 15, lines 5-11.
- "outputting ... an indium" at p. 15, lines 12-19 and p. 16, lines 5-8.

Independent claim 31 recites a method comprising:

outputting, from a data processing system, a uniform standard for a chemical, said uniform standard defined by a supplier-independent set of physical and chemical characteristics of said chemical;  
receiving, at said data processing system, a requirement from a prospective purchaser for said chemical, wherein said requirement comprises an allowable range of values for at least some of said physical and chemical characteristics that define said uniform standard, and wherein said chemical is available for purchase via said data processing system; and  
comparing, via said data processing system, said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system, wherein each batch that is available for purchase is analyzed by said testing facility.

The claimed operations are described as follows:

- “outputting ... a uniform standard” p. 14, lines 1-25 and p. 10, line 10 – p. 11, line 15.
- “receiving ... a requirement” at p. 11, line 27 – p. 12, line 3 and p. 13, line 22 – p. 15, line 4.
- “comparing ... said requirement” at p. 12, line 10 - p. 13, line 21 and p. 15, lines 5-11.

Independent claim 37 recites a method comprising:

receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;  
comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance a uniform standard that is established for said first chemical, and wherein each batch that is available for purchase is analyzed by said testing facility.

The claimed operations are described as follows:

- “receiving ... a requirement” at p. 11, line 27 – p. 12, line 3 and p. 13, line 22 – p. 15, line 4.

- “comparing ... said requirement” at p. 12, line 10 - p. 13, line 21 and p. 15, lines 5-11.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The grounds of rejection to be reviewed are as follows:

- (a) Whether claims 20, 24, 26-29, 31-32, 34, 37, and 39 were properly rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 6,882,980 to Schuller.
- (b) Whether claims 20, 22-32, and 34-39 were properly rejected under 35 USC §103 as being obvious over U.S. Pat. No. 6,882,980 to Schuller.

It is to be noted that the patentability of dependent claims 22-24, 26-30, 32, 34, 36, and 39-40 will not be separately argued except to note that they are allowable based on their dependency on an allowable base claim.

**(7) Argument**

Claims 20, 24, 26-29, 31-32, 34, 37, and 39 were improperly rejected under 35 USC §102 as being anticipated by U.S. Pat. No. 6,882,980 to Schuller

**Independent claim 20** recites a method comprising:

receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;

comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase from at least two different suppliers through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance with a uniform standard that is established for said first chemical, and further wherein each batch that is available for purchase is analyzed by said testing facility; and

outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser.

Among any other distinctions between claim 20 and cited art, Schuller does not disclose:

1. receiving ... a requirement;
2. comparing ... said requirement to analyses of batches ... available for purchase;
3. analyses are obtained from a testing facility that tests samples ... in accordance with a uniform standard ... and further wherein each batch ... available for purchase is analyzed.

Regarding point number 1, appellant defined the term "requirement" to mean, "for a specialty chemical of interest, allowed ranges (from a prospective purchaser's point of view) for the measured values of the various chemical and physical characteristics that make up the uniform standard." (See, p. 11, line 27 – p. 12, line 1, and also p. 13, line 26 – p. 15, line 4, especially at lines 1-4.) And the term "uniform standard" is defined, at p. 10, lines 13-14 as "a supplier-independent set of chemical characteristics or physical characteristics or both that are used to describe a chemical."

In Schuller's chemical product commerce network, the server does NOT receive a *requirement* from a prospective purchaser. Rather, according to Schuller, the network server might receive the following information from a user:

1. The name of a product that a user wishes to manufacture (col. 4, lines 12-13).

2. Target characteristic information about a paint that a user wishes to manufacture. The server then compares that information to known products, processes, and formulations. The server then develops a list of starting point formulations. The user selects one of these formulations (col. 4, lines 38-64). Or the user can enter one of their own recipes as a starting point recipe (col. 4, lines 64-65).

The target characteristic information provided by a user is not a *requirement*, as that term has been defined by appellant. That is, there is no disclosure or suggestion in Schuller that the information provided by the user is an allowed range of variation of characteristics in a uniform standard that is established for a paint. Furthermore, Schuller's disclosure does not even mention or otherwise suggest the existence of a "uniform standard" for paint formulations.

The Examiner suggests that she is not bound by appellant's definition of the term "requirement" because it "is not defined in the independent claims," because "USPTO personnel are to give claims their broadest reasonable interpretation," and because "limitations appearing in the specification but not recited in the claim should not be read into the claim," citing MPEP 2106 [R-5].

The Examiner's position is incorrect; she is indeed bound by appellant's definition. MPEP 2111.01 [R-3] makes it quite clear that the words of a claim must be given their "plain meaning" unless they are defined in the specification. If any claim terms are explicitly defined in the specification, as they are in this case, then supplied definitions must be used.

Regarding point number 2, a key aspect of appellant's claimed invention is that only actual, existing batches of specialty chemicals are available for sale via the system. Analyses of each of such batches is obtained and stored in a database. The *requirement* that is provided by the prospective purchaser is compared to the analyses for all of the available batches.

Schuller's server does not compare a *requirement* to analyses of batches that are available for purchase through the system. Schuller's system permits users to formulate paints using the system, and to facilitate product use and application testing. Schuller indicates that small batches of paint from newly formulated recipes can be produced and tested, and the results stored in a data base. (Col. 5, lines 20+.) Although Schuller's specification is not particularly clear on this point, it appears as if a user could place an order through the server for raw materials, or a paint or coating based on a formulation that is stored in a

database, or based on a newly developed formulation.

But a user of Schuller's system is not purchasing an existing batch of a specialty chemical (or a paint or a coating) based on matching an analysis of the batch to the user's requirement.

Regarding point number 3, Shuller does not disclose that "analyses are obtained from a testing facility that tests samples of said batches in accordance with a uniform standard that is established for said first chemical ... and further wherein each batch ... available for purchase is analyzed."

As previously noted, Schuller does not disclose a *uniform standard*, Schuller does not disclose that existing batches of paint, etc., are available for purchase via the system, and Schuller does not disclose that each of such batches (that in Schuller's case are not available for sale) are to be analyzed.

For these reasons, appellant believes that claim 20 is not anticipated by Schuller. Appellant therefore requests that the Board reverse the Examiner's Section 102 rejection of claim 20.

The Examiner rejected claims 24 and 26-29 under Section 102 as being anticipated by Schuller. The rejection of these claims under Section 102 should be reversed since these claims are dependent on claim 20.

**Independent claim 31** recites a method comprising:

<p>outputting, from a data processing system, a uniform standard for a chemical, said uniform standard defined by a supplier-independent set of physical and chemical characteristics of said chemical;</p> <p>receiving, at said data processing system, a requirement from a prospective purchaser for said chemical, wherein said requirement comprises an allowable range of values for at least some of said physical and chemical characteristics that define said uniform standard, and wherein said chemical is available for purchase via said data processing system; and</p> <p>comparing, via said data processing system, said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system, wherein each batch that is available for purchase is analyzed by said testing facility.</p>
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Among any other distinctions between claim 31 and cited art, Schuller does not disclose:

1. outputting ... a uniform standard for a chemical;



2. receiving ... a requirement ... for said chemical;
3. comparing ... said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system;
4. wherein each batch ... is analyzed by said testing facility.

As previously discussed, Schuller does not disclose the concept of a *uniform standard* or a *requirement*. And it is noted that the definitions of these concepts are explicitly recited in claim 31, undercutting the Examiner's allegation that "the limitation 'requirement' is not defined in the independent claims." Therefore, Schuller's system cannot output a *uniform standard* nor receive a *requirement*, as recited in claim 31.

Also, as previously discussed, Schuller does not compare a *requirement* to a plurality of batches that are available for purchase through the data processing system. No existing batches are available for purchase. And, of course, since Schuller does not teach that existing batches are sold via his system, he likewise does not teach that each of such batches should be analyzed.

For these reasons, appellant believes that claim 31 is not anticipated by Schuller. Appellant therefore requests that the Board reverse the Examiner's Section 102 rejection of claim 31.

The Examiner rejected claims 32 and 34-36 under Section 102 as being anticipated by Schuller. The rejection of these claims under Section 102 should be reversed since these claims are dependent on claim 31.

**Independent claim 37** recites a method comprising:

receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;

comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance a uniform standard that is established for said first chemical, and wherein each batch that is available for purchase is analyzed by said testing facility.

Among any other distinctions between claim 37 and cited art, Schuller does not disclose:

1. receiving ... a requirement ... for a first chemical; and
2. comparing ... said requirement to analyses of a plurality of batches of said first

chemical that are available for purchase through said data processing system.

As previously discussed, Schuller does not disclose the concept of a *requirement* nor does Schuller disclose comparing the requirement to batches of a chemical that are available for purchase via the system to identify a batch that satisfies the *requirement*.

For these reasons, appellant believes that claim 37 is not anticipated by Schuller. Appellant therefore requests that the Board reverse the Examiner's Section 102 rejection of claim 37.

The Examiner rejected claim 39 under Section 102 as being anticipated by Schuller. The rejection of this claim under Section 102 should be reversed since this claim is dependent on claim 37.

Claims 20, 22-32, and 34-39 were  
improperly rejected under 35 USC §103 as being  
anticipated by U.S. Pat. No. 6,882,980 to Schuller

As an alternative to a Section 102 rejection, the Examiner also rejected all claims under Section 103 as being obvious over Schuller.

The Examiner offers no explanation as to why she believes that the subject matter that is recited in independent claims 20, 31, and 37 is obvious in view of Schuller's disclosure.

In the "Background" section of the Schuller patent, it is disclosed that "[f]or products requiring specialized preparation, testing, handling, and care, or for which unknown factors need to be determined, traditional e-commerce systems designed for *pre-configured product* sales and distribution may be inappropriate." (Col. 1, lines 19-23, emphasis added.) By contrast, the only thing being sold via appellant's claimed method is a "pre-configured product." That is, only existing batches of various specialty chemicals are being sold.

Simply put, the *raison d'être* of Schuller's chemical product commerce network is different from that claimed by appellant. Schuller appears to be primarily focused on a system that provides a way for manufacturers or other users to formulate paints and coatings:

The web server 120 may provide a 'one stop shop' for chemical product formulating information and services where registered user can get information and can formulate chemical products online....From time to time, paint manufacturers may create or modify paint formulations to improve performance of their paint products, to adapt a formulation for a new application, and to take advantage of new materials and processing

techniques. The system 100 can help a manufacture to create new formulations or to modify existing formulations, the server 120 can provide access to paint formulation information and services.

(Col. 3, line 50 – col. 4, line 9.)

There is no mention in Schuller of the core issues that motivated the development of appellant's claimed invention:

- How does a purchaser and user of specialty chemicals deal with the characteristic batch-to-batch variations?
- How does a purchaser of specialty chemicals directly compare offerings from different suppliers or establish multiple sources of supply?
- How does a supplier of specialty chemicals promote the sale of excess inventory of a specialty chemical?

There is no discussion in Schuller that would prompt the development of a *requirement* or a *uniform standard* for specialty chemicals. And Schuller provides no disclosure or suggestion that actual batches of specialty chemicals (or paints or coatings for that matter) ought to be offered for sale through a server, nor suggests that each of such batches should first be analyzed. Bottom line, there is nothing in Schuller that would suggest to one skilled in the art the methods that are recited in independent claims 20, 31, and 37.

All three independent claims include a limitation that recites, in one form or the other:

comparing, via said data processing system, said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system, wherein each batch that is available for purchase is analyzed by said testing facility.

There is no suggestion to do this in Schuller, nor is there any explanation of why one skilled in the art would otherwise be motivated to modify Schuller in this way.

For these reasons, appellant believes that independent claims 20, 31 and 37 are not obvious in view of Schuller. Appellant therefore requests that the Board reverse the Examiner's Section 103 rejection of these independent claims.

The Examiner rejected all dependent claims under Section 103 as being obvious over Schuller. The rejection of these claims under Section 103 should be reversed since it has been shown that the Section 103 rejection of base claims 20, 31, and 37 was improper.

Appellant separately argues the Section 103 rejections of claims 25, 35, and 38, below.

Claim 25 recites:

The method of claim 20 wherein said indicium does not provide any information selected from the group consisting of a supplier of said identified batch and a brand name of said first chemical in said identified batch.

Claim 35 recites:

The method of claim 34 wherein said indicium does not provide any information selected from the group consisting of a supplier of said one batch and a brand name of said first chemical in said one batch.

Claim 38 recites:

The method of claim 37 further comprising outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser, wherein said indicium does not provide any information selected from the group consisting of a supplier of said identified batch and a brand name of said first chemical in said identified batch.

These three dependent claims recite that the indicium of identified batch that is output (to a prospective purchaser) does not include the name of the supplier or the brand name of the specialty chemical.

These claims pertain to the issue of “how does a supplier of specialty chemicals promote the sale of excess inventory of a specialty chemical?” As previously explained, excess inventory can be sold as an “unbranded” chemical; in other words, the specialty chemical is not identified as being manufactured by the supplier nor is it sold under its trademark. But as previously discussed, to what standard and specification does the supplier reference this specialty chemical? If the standard and the specification that are normally associated with the specialty chemical are used for the non-branded material, the supplier risks identification by an astute purchaser.

Since, in accordance with the claimed invention, the prospective purchaser defines the *requirement*, which is made possible in conjunction with the *uniform standard*, this problem is solved. In other words, as long as the batches of specialty chemical that match the *requirement* are not identified by the supplier’s name or the product’s trademark, there will

be no information to provide a prospective purchaser with a clue to the source of the chemical.

On this issue, the Examiner argued that:

With respect to "white-washing" vendor information, the best testing is done "blind" so that no name brand influence can occur. It would have been obvious to one having ordinary skill in the art to test the products blindly in order to eliminate any brand name influence.

Why is the Examiner discussing a testing? Claims 25, 35, and 38 do not recite that the indicium is being output to the testing lab, rather, they recite that the indicium is being output to the prospective purchaser. These claims have nothing to do with the *testing* of the specialty chemicals. These claims provide a way for a supplier to sell inventory at a lower-than-usual selling price.

The Examiner's theory of obviousness as to these claims is, therefore, unsupportable.

**(8) Conclusion**

The appellant has demonstrated that the logic underlying the Examiner's rejections is untenable, and, therefore, that the rejections are not sustainable. For this reason, the appellants respectfully request the Board of Appeals to reverse the decision of the Examiner as provided for in 37 C.F.R. 41.50(a).

Respectfully,  
Christopher Charles McCormick

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**(9) Claims Appendix**

- 20. (Previously Presented)** A method comprising:  
receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;  
comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase from at least two different suppliers through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance with a uniform standard that is established for said first chemical, and further wherein each batch that is available for purchase is analyzed by said testing facility; and  
outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser.
- 21. (Canceled)**
- 22. (Previously Presented)** The method of claim 20 further comprising:  
compiling statistics in said data processing system, said statistics comprising information about purchases of said first chemical and purchases of other chemicals facilitated by said data processing system; and  
outputting said statistics to a statistics subscriber.
- 23. (Previously Presented)** The method of claim 20 wherein said identified batch of said first chemical is priced below a price at which said first chemical is normally sold.
- 24. (Previously Presented)** The method of claim 20 wherein said uniform standard is developed by owners/operators of said data processing system.
- 25. (Previously Presented)** The method of claim 20 wherein said indicium does not provide any information selected from the group consisting of a supplier of said identified batch and a brand name of said first chemical in said identified batch.
- 26. (Previously Presented)** The method of claim 20 comprising storing said analyses in an inventory database.

**27. (Previously Presented)** The method of claim 26 comprising:  
obtaining further analyses of further batches of said first chemical, wherein said further batches are analyzed in accordance with said uniform standard established for said first chemical; and  
updating said inventory database by inputting said further analyses into said inventory database.

**28. (Previously Presented)** The method of claim 26 comprising:  
obtaining analyses of batches of a second chemical, wherein said batches are analyzed in accordance with a uniform standard established for said second chemical; and  
updating said inventory database by inputting said analyses of batches of said second chemical into said inventory database.

**29. (Previously Presented)** The method of claim 20 comprising storing said requirement in a requirements database.

**30. (Previously Presented)** The method of claim 20 wherein said requirement comprises an allowable range of values for at least some of said physical and chemical characteristics that define said uniform standard, the method further comprising assigning a rank to at least one of said physical characteristics or chemical characteristics, wherein a value of said rank indicates a relative importance of satisfying said one physical characteristic or chemical characteristic in determining whether or not a batch satisfies said requirement.



**31. (Previously Presented)** A method comprising:

outputting, from a data processing system, a uniform standard for a chemical, said uniform standard defined by a supplier-independent set of physical and chemical characteristics of said chemical;

receiving, at said data processing system, a requirement from a prospective purchaser for said chemical, wherein said requirement comprises an allowable range of values for at least some of said physical and chemical characteristics that define said uniform standard, and wherein said chemical is available for purchase via said data processing system; and

comparing, via said data processing system, said requirement to analyses of a plurality of batches of said chemical that are available for purchase through said data processing system, wherein each batch that is available for purchase is analyzed by said testing facility.

**32. (Previously Presented)** The method of claim 31 further comprising storing said requirement in said data processing system.

**33. (Canceled)**

**34. (Previously Amended)** The method of claim 31 further comprising outputting, from said data processing system, an indicium of at least one batch of said chemical, of said plurality thereof, that satisfies said requirement.

**35. (Previously Presented)** The method of claim 34 wherein said indicium does not provide any information selected from the group consisting of a supplier of said one batch and a brand name of said first chemical in said one batch.

**36. (Previously Presented)** The method of claim 31 further comprising:  
compiling statistics in said data processing system, said statistics comprising information about purchases of said chemical facilitated by said data processing system;  
and  
outputting said statistics to an interested party.

**37. (Previously Presented)** A method comprising:

receiving, at a data processing system, a requirement from a prospective purchaser for a first chemical;

comparing, in said data processing system, said requirement to analyses of batches of said first chemical that are available for purchase through said data processing system to identify a batch that satisfies said requirement, wherein said analyses are obtained from a testing facility that tests samples of said batches in accordance a uniform standard that is established for said first chemical, and wherein each batch that is available for purchase is analyzed by said testing facility.

**38. (Previously Presented)** The method of claim 37 further comprising

outputting, from said data processing system, an indicium of said identified batch to said prospective purchaser, wherein said indicium does not provide any information selected from the group consisting of a supplier of said identified batch and a brand name of said first chemical in said identified batch.

**39. (Previously Presented)** The method of claim 37 further comprising:

obtaining analyses of additional batches of said first chemical, wherein said additional batches are analyzed in accordance with said uniform standard established for said first chemical; and

updating an inventory database by inputting said additional analyses into said inventory database.

**40. (Previously Presented)** The method of claim 36 wherein said requirement

comprises a range of acceptable values for at least some of a plurality of characteristics that define said uniform standard, the method further comprising assigning a rank to at least one of said characteristics, wherein a value of said rank indicates a relative importance of satisfying said one characteristic in determining whether or not a batch satisfies said requirement.

**(10) Evidence Appendix**

No evidence submitted pursuant to 37 CFR §§1.130, 1.131, or 1.132.

**(11) *Related Proceedings Appendix***

There are no related proceedings.